

REMARKS

Claims 3, 7, 8 and 10 stand rejected under 35 U.S.C. § 112, second paragraph. It is respectfully submitted that the claims, as amended, are definite so as to obviate the Examiner's concerns. Accordingly, it is respectfully requested that the rejection under § 112, second paragraph be withdrawn.

Claim 1 is the sole independent claim and stands rejected under 35 U.S.C. § 102 as being anticipated by Lowery et al. WO '498 ("Lowrey"). The indication of allowable subject matter in claim 2 is acknowledged and appreciated. Solely in order to expedite issuance of the present application, claim 2 has been canceled and claim 1 has been amended, without prejudice or disclaimer to the subject matter of claim 1, to include what is believed to be the allowable subject matter of claim 2. Accordingly, it is respectfully submitted that all pending claims are in condition for allowance.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are

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any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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